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PATENT APPLICATION

ATTORNEY DOCKET NO. 200208016-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Brian James DeHamer et al.	Confirmation No.:	7248
Application No.:	10/677,000	Examiner:	Vo, Ted T.
Filing Date:	October 1, 2003	Group Art Unit:	2191

Title: METHOD AND APPARATUS FOR SUPPORTING LAYOUT MANAGEMENT IN A WEB PRESENTATION ARCHITECTURE

Mail Stop Appeal Brief-Patents
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TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on July 16, 2007.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120 ☐ 2nd Month $450 ☐ 3rd Month $1020 ☐ 4th Month $1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of $ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Respectfully submitted,
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Brian James DeHamer et al.	§	Group Art Unit: 2191
	§	Confirmation No.: 7248
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	§	Examiner: Vo, Ted T.
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September 13, 2007
Date

Eddie Lou Robinson

APPEAL BRIEF PURSUANT TO 37 C.F.R. §§41.31 AND 41.37

This Appeal Brief is being filed in furtherance to the Notice of Appeal mailed on July 13, 2007, and received by the Patent Office on July 16, 2007.

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1. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, L.P., the Assignee of the above-referenced application by virtue of the Assignment, recorded at reel 014581, frame 0700, and dated October 1, 2003. Accordingly, Hewlett-Packard Development Company, L.P., as the parent company of the Assignee of the above-referenced application, will be directly affected by the Board's decision in the pending appeal.

2. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any other appeals or interferences related to this Appeal. The undersigned is Appellants' legal representative in this Appeal.

3. STATUS OF CLAIMS

Claims 1-3, 6-10, 13-17 and 20-24 are currently pending, are currently under final rejection and, thus, are the subject of this Appeal.

4. STATUS OF AMENDMENTS

There are no outstanding amendments to be considered by the Board.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The present claims are directed towards systems and methods used in web presentation architectures. Particularly, the present technique provides a user with an

ability to change the appearance or look and feel of c-frame layouts for different users or groups of users. Further, the present technique eliminates implementing time consuming code changes used in actual content pages which are otherwise required for separating page content from navigational look and feel of pages. *See*, Application, paragraphs 4 and 35.

The Application contains four independent claims, namely, claims 1, 8, 15 and 22, all of which are the subject of this Appeal. The subject matter of these claims is summarized below.

With regard to the aspect of the invention set forth in independent claim 1, discussions of the recited features can be found at least in the below cited locations of the specification and drawings. By way of example, an embodiment in accordance with claim 1 provides a system that comprises "controller generator (e.g., 102) that is adapted to provide an application (e.g., 306) with a controller that receives a request (e.g., 148) for data from a user (e.g., 14) and responds to the request by sending information to the user in a predetermined format." *See, e.g., id.* at paragraphs 11, 15, 19-21, 43, 48, 49 and 62; *see also* FIGS. 1, 2 and 4. The system further comprises "a layout manager generator (e.g., 102) that is adapted to provide a layout manager (e.g., 110, 308) that formats a c-frame (e.g., 200) based on configuration information and renders the c-frame as part of the information sent to the user in response to the request." *See, e.g., id.* at paragraphs 19. 35, 36, 41, 44 and 50; *see also* FIGS. 1 and 3. Further, "the configuration information

corresponds to a plurality of portals, and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals." *See, e.g., id.* at paragraphs 62 and 63. The operation of the claimed layout manager is explained in the specification, as follows:

> [0062] A web server 302 hosts a web application 306 constructed using a web presentation architecture in accordance with embodiments of the present invention. The web application 306 comprises a controller 305 and a layout manager 308. Those of ordinary skill in the art will appreciate that the controller 305 and the layout manager 308 may be integrated within the web application 306 or may be implemented as separate executable modules. The controller 305 and the layout manager 308 are, respectively, constructed according to the controller architecture 102 (which may function as a controller generator) and the layout manager architecture 110 (which may function as a layout manager generator) illustrated in FIG. 2. Upon initialization or startup, the controller 305 loads configuration information, which may comprise a plurality of configuration files 304, each of which may contain configuration information about a layout that may be employed by the web application when it is accessed by a corresponding portal. The web application 306 may receive requests from users via a first browser 310, which may access the web application 306 using a first portal, and a second browser 312, which may access the web application 306 via a second portal.
>
> [0063] The layout manager 308 may be adapted to render different display items corresponding to each of the layouts specified in the configuration files 304. The layout manager 308 may be responsible for making the appropriate LayoutModel objects available to portions of the web application code and rendering the layout back to the browsers 310 and 312. Because the layouts for the two portals are different, each of the browsers 310 and 312 may

> receive web pages with a different customized feel based on the layout information in their configuration files, even though the rendered pages contain the same content.
>
> Application, paragraphs 62 and 63.

With regard to the aspect of the invention set forth in independent claim 8, discussions of the recited features can be found at least in the below cited locations of the specification and drawings. By way of example, an embodiment in accordance with claim 8 provides a method comprising the act of "creating, with a processor-based device (e.g., 100), a controller that is adapted to receive a request (e.g., 148) for data from a user (e.g., 14) and respond to the request by sending information to the user in a predetermined format." *See, e.g., id.* at paragraphs 11, 18, 20, 43, 48 and 49; *see also* FIGS. 1, 2 and 4. The method further comprises "providing a layout manager (e.g., 110, 309) that formats a c-frame (e.g., 200) based on configuration information and renders the c-frame as part of the information sent to the user in response to the request." *See, e.g., id.* at paragraphs 19, 35, 36, 41, 44, 50 and 62; *see also* FIGS. 1 and 3. Further, "the configuration information corresponds to a plurality of portals, and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals." *See, e.g., id.* at paragraphs 62 and 63. The operation of the claimed layout manager is explained in the specification, as follows:

> [0062] A web server 302 hosts a web application 306 constructed using a web presentation architecture in accordance with embodiments of the present invention. The web application 306 comprises a controller 305 and a layout manager 308. Those of ordinary skill in the art will appreciate that the controller 305 and the layout manager

> 308 may be integrated within the web application 306 or may be implemented as separate executable modules. The controller 305 and the layout manager 308 are, respectively, constructed according to the controller architecture 102 (which may function as a controller generator) and the layout manager architecture 110 (which may function as a layout manager generator) illustrated in FIG. 2. Upon initialization or startup, the controller 305 loads configuration information, which may comprise a plurality of configuration files 304, each of which may contain configuration information about a layout that may be employed by the web application when it is accessed by a corresponding portal. The web application 306 may receive requests from users via a first browser 310, which may access the web application 306 using a first portal, and a second browser 312, which may access the web application 306 via a second portal.
>
> [0063] The layout manager 308 may be adapted to render different display items corresponding to each of the layouts specified in the configuration files 304. The layout manager 308 may be responsible for making the appropriate LayoutModel objects available to portions of the web application code and rendering the layout back to the browsers 310 and 312. Because the layouts for the two portals are different, each of the browsers 310 and 312 may receive web pages with a different customized feel based on the layout information in their configuration files, even though the rendered pages contain the same content.
>
> Application, paragraphs 62 and 63.

With regard to the aspect of the invention set forth in independent claim 15, discussions of the recited features can be found at least in the below cited locations of the specification and drawings. By way of example, an embodiment in accordance with claim 15 provides a system comprising "means (e.g., 102) for creating a controller that receives a request (e.g., 148) for data from a user (e.g., 14) and responds to the request by

sending information to the user in a predetermined format." *See, e.g., id.* at paragraphs 11, 19, 15, 43, 48 and 49; *see also* FIGS. 2 and 4. The system further comprises "means (e.g., 102) for creating a layout manager (e.g., 110, 308) that formats a c-frame based on configuration information and renders the c-frame as part of the information sent to the user in response to the request." *See, e.g., id.* at paragraphs 19, 35, 36, 41, 44, 50 and 62; *see also* FIGS. 1 and 3. In addition, "the configuration information corresponds to a plurality of portals, and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals." *See, e.g., id.* at paragraphs 62 and 63. The operation of the claimed layout manager is explained in the specification, as follows:

> [0062] A web server 302 hosts a web application 306 constructed using a web presentation architecture in accordance with embodiments of the present invention. The web application 306 comprises a controller 305 and a layout manager 308. Those of ordinary skill in the art will appreciate that the controller 305 and the layout manager 308 may be integrated within the web application 306 or may be implemented as separate executable modules. The controller 305 and the layout manager 308 are, respectively, constructed according to the controller architecture 102 (which may function as a controller generator) and the layout manager architecture 110 (which may function as a layout manager generator) illustrated in FIG. 2. Upon initialization or startup, the controller 305 loads configuration information, which may comprise a plurality of configuration files 304, each of which may contain configuration information about a layout that may be employed by the web application when it is accessed by a corresponding portal. The web application 306 may receive requests from users via a first browser 310, which may access the web application 306 using a first portal, and a second browser 312, which may access the web application 306 via a second portal.

> [0063] The layout manager 308 may be adapted to render different display items corresponding to each of the layouts specified in the configuration files 304. The layout manager 308 may be responsible for making the appropriate LayoutModel objects available to portions of the web application code and rendering the layout back to the browsers 310 and 312. Because the layouts for the two portals are different, each of the browsers 310 and 312 may receive web pages with a different customized feel based on the layout information in their configuration files, even though the rendered pages contain the same content.
>
> Application, paragraphs 62 and 63.

With regard to the aspect of the invention set forth in independent claim 22, discussions of the recited features can be found at least in the below cited locations of the specification and drawings. By way of example, an embodiment in accordance with claim 22 provides a tangible machine readable medium comprising "code for creating a controller generator (e.g., 102) stored on the machine readable medium, the controller generator being adapted to provide an application (e.g., 306) with a controller that receives a request (e.g., 148) for data from a user (e.g., 14) and responds to the request by sending information to the user in a predetermined format." *See, e.g., id.* at paragraphs 11, 12, 15, 20, 43, 48, 49 and 62; *see also* FIGS. 1, 2 and 4. The tangible machine readable further comprises "code for creating a layout manager generator (e.g., 102) stored on the machine readable medium, the layout manager generator being adapted to provide a layout manager (e.g., 110, 308) that formats a c-frame (e.g., 200) based on configuration information and renders the c-frame as part of the information sent to the user in response to the request." *See, e.g., id.* at paragraphs 12, 19, 35, 41, 44, 50 and 62;

see also FIGS. 2 and 3. Further, "the configuration information corresponds to a plurality of portals, and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals." *See, e.g., id.* at paragraphs 62 and 63. The operation of the claimed layout manager is explained in the specification, as follows:

> [0062] A web server 302 hosts a web application 306 constructed using a web presentation architecture in accordance with embodiments of the present invention. The web application 306 comprises a controller 305 and a layout manager 308. Those of ordinary skill in the art will appreciate that the controller 305 and the layout manager 308 may be integrated within the web application 306 or may be implemented as separate executable modules. The controller 305 and the layout manager 308 are, respectively, constructed according to the controller architecture 102 (which may function as a controller generator) and the layout manager architecture 110 (which may function as a layout manager generator) illustrated in FIG. 2. Upon initialization or startup, the controller 305 loads configuration information, which may comprise a plurality of configuration files 304, each of which may contain configuration information about a layout that may be employed by the web application when it is accessed by a corresponding portal. The web application 306 may receive requests from users via a first browser 310, which may access the web application 306 using a first portal, and a second browser 312, which may access the web application 306 via a second portal.
>
> [0063] The layout manager 308 may be adapted to render different display items corresponding to each of the layouts specified in the configuration files 304. The layout manager 308 may be responsible for making the appropriate LayoutModel objects available to portions of the web application code and rendering the layout back to the browsers 310 and 312. Because the layouts for the two portals are different, each of the browsers 310 and 312 may receive web pages with a different customized feel based

> on the layout information in their configuration files, even though the rendered pages contain the same content.
>
> Application, paragraphs 62 and 63.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

First Ground of Rejection for Review on Appeal:

Appellants respectfully urge the Board to review and reverse the Examiner's first ground of rejection in which the Examiner rejected claims 22-24 under 35 U.S.C. §112, first paragraph, as failing to describe the invention in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Second Ground of Rejection for Review on Appeal:

Appellants respectfully urge the Board to review and reverse the Examiner's second ground of rejection in which the Examiner rejected claims 22-24 under 35 U.S.C. §101, as being directed to non-statutory subject matter.

Third Ground of Rejection for Review on Appeal:

Appellants respectfully urge the Board to review and reverse the Examiner's third ground of rejection in which the Examiner rejected claims 1-3, 6-10, 13-17 and 20-24 under 35 U.S.C. §102(b) as being anticipated by Dan et al., (U.S. Patent No. 6,560,639, hereinafter "the Dan reference").

7. ARGUMENT

As discussed in detail below, the Examiner has improperly rejected the pending claims. Further, the Examiner has misapplied long-standing and binding legal precedents and principles in rejecting the claims under Sections 112, 101 and 102. Accordingly, Appellants respectfully request full and favorable consideration by the Board, as Appellants strongly believe that claims 1-3, 6-10, 13-17 and 20-24 are currently in condition for allowance.

A. First Ground of Rejection:

With respect to the rejection of claims 22-24 under 35 U.S.C. §112, first paragraph, the Examiner stated the following:

> The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter is that, **"tangible machine readable medium"**. The specification does not disclose any **medium**.
>
> Final Office Action, page 5 (Emphasis in original).

Appellants respectfully traverse the rejection.

Legal Precedent

First, regarding the written description requirement, the initial burden of proof regarding the insufficiency of the written description falls on the Examiner. Accordingly,

the Examiner must present evidence or reasons why persons skilled in the art would not recognize a description of the claimed subject matter in the applicant's disclosure. *In re Wertheim*, 541 F.2d 257, 262, 191 U.S.P.Q. 90, 96 (CCPA 1976). The Examiner is also reminded that the written description requirement does not require the claims to recite the same terminology used in the disclosure. The patentee may be his own lexicographer. *Ellipse Corp. v. Ford Motor Co.*, 171 U.S.P.Q. 513 (7th Cir. 1971), *aff'd.* 613 F.2d 775 (7th Cir. 1979), *cert. denied*, 446 U.S. 939 (1980). Moreover, any information contained in any part of the application as filed, including the specification, claims and drawings, may be added to other portions of the application without introducing new matter. Accordingly, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter. *In re Benno*, 768 F.2d 1340, 226 U.S.P.Q. 683 (Fed. Cir. 1985).

Second, regarding the enablement requirement, the Examiner has the initial burden to establish a *reasonable basis* to question the enablement provided for the claimed invention. *In re Wright*, 999 F.2d 1557, 1562, 27 U.S.P.Q.2d 1510, 1513 (Fed. Cir. 1993). The test for enablement, as set forth by the Supreme Court, is whether the experimentation needed to practice the invention is undue or unreasonable? *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916). A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d 660, 661, 18 U.S.P.Q.2d 1331, 1332 (Fed. Cir. 1991). The *undue experimentation* test essentially evaluates

whether one of reasonable skill in the art can make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation. *U.S. v. Telectronics, Inc.*, 857 F.2d 778, 785, 8 U.S.P.Q.2d 1217, 1223 (Fed. Cir. 1988). As long as the specification discloses at least one method for making and using the claimed invention that bears a *reasonable correlation* to the entire scope of the claim, then the enablement requirement of section 112 is satisfied. *In re Fisher*, 427 F.2d 833, 839, 166 U.S.P.Q. 18, 24 (C.C.P.A. 1970).

In contrast to the Examiner's assertion, the specification discloses a

> WPA 100, which may be adapted to execute on a *processor-based device* such as a computer system or the like, has certain core features of the MVC computing strategy, and various additional features and enhancements to improve its architectural operation and performance.
>
> Application, paragraph 18 (Emphasis added.).

As those skilled in the art would appreciate, a tangible machine readable medium may correspond to one of many components forming the above processor-based device on which the WPA 100 is executed. That is, by virtue of disclosing a processor-based device and additional components, such as an object cached manger, a cookie manager and so forth, the Appellants' specification directly discloses a system in which software elements are stored on a tangible machine readable medium. Otherwise, code could not be executed by the processor-based system. More than this is not required to satisfy Section 112, first paragraph.

The Board is further reminded that the patentee may be his own lexicographer, and that that the written description requirement does not require the claims to recite the same terminology used in the disclosure. The Appellants' disclosure is clearly sufficient to meet this standard. For at least these reasons, the rejection of claim 22 under Section 112, first paragraph, is erroneous and should be withdrawn. Accordingly, Appellants request the Board to reverse the rejection of independent claim 22.

B. **Second Ground of Rejection:**

With respect to the rejection of claims 22-24 under 35 U.S.C. §101, the Examiner stated the following:

> The Claims 22-24 fall under the statutory of 35 U.S.C. 101 for lacking utility. The specification does not establish any specific and substantial utility for the claimed subject matter: "tangible machine readable medium".
>
> Final Office Action, page 5.

Appellants respectfully traverse the rejection.

Legal Precedent

According to the Supreme Court, congress intended statutory subject matter to "include anything under the sun that is made by man." *Diamond v. Chakrabarty*, 447 U.S. 303, 308-09; 206 U.S.P.Q. 193, 197 (1980). Indeed, exclusions of statutory subject matter are limited to laws of nature, natural phenomena and abstract ideas. *See Diamond v. Diehr*, 450 U.S. 175, 185; 209 U.S.P.Q. 1, 7 (1981). Other than these specific

exceptions, therefore, nearly anything man made is statutorily patentable subject matter under 35 U.S.C. §101.

In determining when process or method claims include statutory subject matter, the Supreme Court in *Diehr* stated that "[t]ransformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines." *See id.* 450 U.S. at 183-185, 209 U.S.P.Q. at 6. In addition to the Supreme Court's transformation and reduction test, the Federal Circuit has developed a second test which may also be used to determine if a claim recites statutory subject matter, namely does the claim produce a "useful, concrete, and tangible result." *In re Alappat*, 31 U.S.P.Q.2d 1545, 1557 (Fed. Cir. 1994) (*en banc*). The Federal Circuit further elaborated on this second test by holding that one must look to "the essential characteristics of the subject matter, in particular, its practical utility." *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 47 U.S.P.Q.2d 1596, 1602 (Fed. Cir. 1998).

However, explaining this "useful, concrete, and tangible" test, the Federal Circuit has stated "the dispositive inquiry is whether the claim *as a whole* is directed to statutory subject matter." *In re Alappat*, 31 U.S.P.Q.2d at 1557. Indeed, there has been no requirement from Congress, the Supreme Court, or the Federal Circuit mandating that a *specific final result* be shown for a claim to qualify under Section 101. *See id.* Rather, the Federal Circuit has specifically stated "the *Alappat* inquiry simply requires an

examination of the contested claims to see if the claimed subject matter *as a whole* is a disembodied mathematical concept representing nothing more than a 'law of nature' or an 'abstract idea,' or if the mathematical concept has been reduced to *some practical application rendering it 'useful'*." *AT&T Corp. v. Excel Communications, Inc.*, 50 U.S.P.Q.2d 1447, 1451 (Fed. Cir. 1999) (emphasis added). Therefore, if a claim meets either the transformation and reduction test put forth by the Supreme Court, or if the claim, read as a whole and in light of the specification, produces any useful, concrete, and tangible result, the claim meets the statutory requirements of Section 101. *See id.*

Appellants respectfully assert that claims 22-24, taken as a whole, each recite statutory subject matter under 35 U.S.C. §101 because they produce a useful, concrete and tangible result. The present Application is directed to methods and systems for easily enabling changing appearance or look and feel of c-frames for different users or groups of users. Particularly, the present application is aimed at providing a system configured to alleviated problems associated with existing web applications in which:

> it may be difficult to change the appearance or look and feel of the c-frame for different users or groups of users. Time consuming code changes in the actual content pages may be required to separate page content from the navigational look and feel of the pages.
>
> Application, paragraph 4.

For example, independent claim 22 recites *a tangible machine readable medium* comprising code for creating a controller generator stored on the machine readable medium,

and code for creating a layout manager generator stored on the machine readable medium." (Emphasis added.) Further, the layout manager generator is adapted to provide "a layout manager that formats a c-frame based on configuration information and renders the c-frame as part of the information sent to the user in response to the request, wherein the configuration information corresponds to a plurality of portals, and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals."

Claim 22, therefore, taken as a whole, recites code stored on a tangible readable medium that enables users, via a plurality of portals, to request configuration information of c-frame formats for each of the plurality of portals. In so doing, different user group can more easily change appearance or look and feel of c-frames corresponding to the plurality for portals used by the users to send requests for the configuration information. This could be achieved, for example, by reducing and/or eliminating time consuming code changes implemented in actual content pages needed to separate page content from the navigational look and feel of the pages. This is clearly a useful, concrete and tangible result which addresses the above mentioned shortcomings of existing web applications.

Further, computer programs have been directly held by the Federal Circuit to be patentable under Section 101 when recited to be stored in a tangible medium. *See In re Beauregard,* 53 F.3d 1583 (Fed Cir. 1995). Indeed, the Commissioner of Patents is quoted in the *Beauregard* case as stating that, "[C]omputer programs embodied in a

tangible medium...are patentable subject matter under 35 U.S.C. §101." *Id.* Accordingly, because independent claim 22 recites, *inter alia*, "A tangible machine readable medium comprising code," Appellants assert that claim 22 is directed to patentable subject matter under 35 U.S.C. §101. As such, Appellants respectfully request withdrawal of the rejection of claim 22.

C. **Third Ground of Rejection:**

With respect to the rejection of claims 1-3, 6-10, 13-17 and 20-24 under Section 102(b) as being anticipated by the Dan reference, the Examiner's rejection of independent claims 1, 8, 15 and 22 is exemplary:

> As per Claim 1: Dan discloses, A system (See FIG. 2), comprising:
> a controller generator that is adapted to provide an application with a controller that receives a request for data from a user and responds to the request by sending information to the user in a predetermined format (See FIG. 3-4);
> and a layout manager generator that is adapted to provide a layout manager that formats a c-frame based on configuration information and renders the c-frame (e.g. all the dots in the section Admin, For example, see FIG 7; the designed selections of this configuration information from Web designers will render the layout C-frame of FIG. 13) as part of the information sent to the user in response to the request (See the Admin provided in FIG. 9 etc.);
> wherein the configuration information corresponds to a plurality of portals (Refer to "Netscape homepage", "web Server", "Web Site", and/or "Internet Service Provider", appear in the reference), and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals (See Attributes form from a front-end demon editable by the user (FIG. 3, #S10). Each layout of a c-frame, provided to by "Netscape homepage", "web Server",

> "Web Site", and/or "Internet Service Provider", is different because it depends on attributes entered by the user (FIG. 3, #S20, #S50). FIG. 21 or 22 shows attribute information (i.e., configuration information), and used as tags of the source, provided to the user, and the information controls the different layout of a c-frame).
> As per Claim 2: Dan discloses, The system set forth in claim 1, wherein the controller is adapted to read the configuration information from a configuration file (See FIG. 7).
>
> ...
>
> As per Claims 8-10, 13-14, and 15-17, 20-21: Dan discloses the claimed limitation as addressed in the same reason as in Claims 1-3, 6-7 above, respectively.
> As per Claims 22-24: Dan discloses the claimed limitation as addressed in the same reason as in Claims 1-3 above, respectively.
>
> Final Office Action, pages 6-7.

Appellants respectfully traverse the rejection.

1. **Judicial precedent has clearly established a legal standard for a *prima facie* anticipation rejection.**

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Appellants need

only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

2. **The Examiner's rejection of independent claims 1, 8, 15 and 22 is improper because the rejection fails to establish a *prima facie* case of anticipation.**

Independent claim 1 recites:

> A system, comprising:
> a controller generator that is adapted to provide an application with a controller that receives a request for data from a user and responds to the request by sending information to the user in a predetermined format; and
> a layout manager generator that is adapted to provide a layout manager that formats a c-frame based on configuration information and renders the c-frame as part of the information sent to the user in response to the request, wherein the configuration information corresponds to *a plurality of portals*, and wherein the layout manager is adapted to produce a *different* c-frame in response to requests received via each of the plurality of portals. (Emphasis added.)

Independent claim 8, recites:

> A method, comprising:
> creating, with a processor-based device, a controller that adapted to receive a request for data from a user and respond to the request by sending information to the user in a predetermined format; and
> providing a layout manager that formats a c-frame based on configuration information and renders the c-frame as part of the information sent to the user in response to the request, wherein the configuration information corresponds to a *plurality of portals*, and wherein the layout manager is adapted to produce a *different* c-frame in response to requests received via each of the plurality of portals. (Emphasis added.)

Independent claim 15 recites:

> A system, comprising:
> means for creating a controller that receives a request for data from a user and responds to the request by sending information to the user in a predetermined format; and
> means for creating a layout manager that formats a c-frame based on configuration information and renders the c-frame as part of the information sent to the user in response to the request, wherein the configuration information corresponds to a *plurality of portals*, and wherein the layout manager is adapted to produce a *different* c-frame in response to requests received via each of the plurality of portals. (Emphasis added.)

Independent claim 22 recites:

> A tangible machine readable medium, comprising:
> code for creating a controller generator stored on the machine readable medium, the controller generator being adapted to provide an application with a controller that receives a request for data from a user and responds to the request by sending information to the user in a predetermined format; and
> code for creating a layout manager generator stored on the machine readable medium, the layout manager generator being adapted to provide a layout manager that formats a c-frame based on configuration information and renders the c-frame as part of the information sent to the user in response to the request, wherein the configuration information corresponds to a *plurality of portals*, and wherein the layout manager is adapted to produce a *different* c-frame in response to requests received via each of the plurality of portals. (Emphasis added.)

First, Appellants respectfully submit to the Board that this case involves rather complex subject matter. Given the complex nature of the technology, the level of detail

contained in the rejection of the claims under Section 102 appears to be superficial and vague. In accordance with 37 C.F.R. §1.104(e)(2), Appellants remind the Board that:

> [i]n rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.
>
> 37 C.F.R. §1.104(e)(2).

In spite of the vagueness of the rejection, Appellants have responded below to the rejection based on the Dan reference to the extent understood from the assertions set forth by the Examiner.

Accordingly, Appellants submit to the Board that the rejection of independent claims 1, 8, 15 and 22 under Section 102 as being anticipated by the Dan reference is improper because the Dan reference does not show each and every element recited by the claims. First, Appellants note that the Dan reference simply does not disclose a plurality of portals. Moreover, the Dan reference does not even contain a single occurrence of the word "portal." In the Final Office Action, the Examiner interpreted web pages, HTML code and the like as the claimed portals. *See*, Office Action, page 6. Specifically, in an Office Action mailed on November 3, 2006 (page 5), the Examiner stated: "HTML code per se that provides to connection to a service." Notwithstanding the lack of clarity and relevance provided by the aforementioned assertion, Appellants respectfully submit that a portal may be described as:

> [a] web site that serves as a gateway to the Internet. A portal is a collection of links, content, and services designed to guide *users* to information they are likely to find interesting.
>
> Microsoft Computer Dictionary, Fifth Edition, page 413. (Emphasis added).

On the other hand, a web page may be defined as:

> [a] document on the World Wide Web. A web consists of an HTML file, with associated files for graphics and script, in particular directory on a particular *machine*.
>
> Microsoft Computer Dictionary, Fifth Edition, page 564. (Emphasis added.)

Hence, being associated with a particular machine, the scope of utility and applications provided by a web page may be far less than those provided by a web portal, as the latter is more accessible to and, thus, more employable by multiple users.

Next, because the Dan reference fails to disclose the plurality of portals, the Dan reference cannot disclose the claimed configuration information corresponding to a plurality of portals, wherein the layout manager is adapted to produce a different c-frame in response to requests received via *each* of the plurality of portals. The Examiner's assertion that web sites and "HTML code per se that provides to connection to a service" (*See,* Final Office Action and Office Action mailed on November, 3, 2006, p. 5) somehow equates with the claimed plurality of portals is without any support whatsoever in the Dan reference. Rather, the Examiner has essentially taken Official Notice of facts outside of the record that the Examiner apparently believes are capable of demonstration as being "well-known" in the art. Therefore, in accordance with M.P.E.P. §2144.03, the

Appellants hereby traverse and challenge the Examiner's use of Official Notice. Furthermore, Appellants emphasize that the "well-known" facts asserted by the Examiner are not of a "notorious character" and are clearly not "capable of such instant and unquestionable demonstration as to defy dispute." *See* M.P.E.P §2144.03. Specifically, Appellants respectfully assert that the use of a plurality of portals as recited in the claims is not common knowledge within the art, as evidenced by the Examiner's failure to so demonstrate.

Appellants further submit that even if the Dan reference disclosed portals, the reference would still not anticipate the claimed layout manager adapted to produce a *different* c-frame in response to requests received via each of the plurality of portals. In fact, the Dan reference teaches that:

> a user may be prompted to name and position a new page, and then may be presented one or more pre-set or stored layouts, grids, or templates from which to choose. After a layout is selected, the user may input content as simple text and/or select images from the user's desktop.
>
> Dan, col. 17, lines 59-64

Hence, rather than producing a *different* c-frame in response to requests, as claimed above, the Dan reference discloses a layout manager that presents the user with prestored layouts from which the user can choose. Thus, in Dan, all requests are treated equally since all are provided with similar choices of prestored layouts. This is clearly distinct from a system that receives requests, and provides layouts, i.e., c-frames that correspond to the nature of the request. Therefore, Dan does not disclose or suggest the claimed

layout manager adapted to produce a different c-frame in response to requests received via each of the plurality of portals, as recited by independent claims 1, 8, 15 and 22.

Further, in response to arguments the Examiner asserted that:

> Applicants' amendment does not point out the patentable novelty in the claims. According to 1.111(c), in amending in reply to a rejection of claims in an application Applicants must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Applicants show how the amendments avoid such references or objections.
>
> Final Office Action, pages 4, 5.

As demonstrated in the previous Response and hereinabove, the Dan reference clearly fails to disclose the claimed plurality of portals, as well as, the claimed configuration information corresponding to a plurality of portals, such that the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals. In demonstrating Dan's failure to disclose the claimed subject matter, Appellants have pointed out the patentable novelty presented by the claims in view of the prior art. Accordingly, the Appellants have complied with the requirements of C.F.R. §1.111(c). Therefore, Appellants submit to the Board that the above conclusory statement set forth by the Examiner is baseless and, more so, fails to include reasoning supporting a *prima facie* case of anticipation.

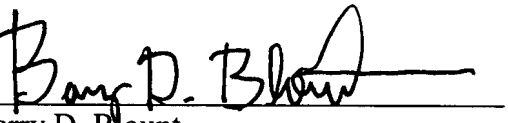
With the foregoing in mind, Appellants submit to the Board that the Dan reference does not anticipate the subject matter recited by independent claims 1, 8, 15 and 22, as well as those claims dependent thereon. Accordingly, Appellants request the Board to reverse the Examiner's rejection and allow independent claims 1, 8, 15 and 22, as well as those claims depending therefrom.

Conclusion

Appellants respectfully submit that all pending claims are in condition for allowance. However, if the Examiner or Board wishes to resolve any other issues by way of a telephone conference, the Examiner or Board is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: September 13, 2007



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8. APPENDIX OF CLAIMS ON APPEAL

Listing of Claims:

1. A system, comprising:

a controller generator that is adapted to provide an application with a controller that receives a request for data from a user and responds to the request by sending information to the user in a predetermined format; and

a layout manager generator that is adapted to provide a layout manager that formats a c-frame based on configuration information and renders the c-frame as part of the information sent to the user in response to the request, wherein the configuration information corresponds to a plurality of portals, and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals.

2. The system set forth in claim 1, wherein the controller is adapted to read the configuration information from a configuration file.

3. The system set forth in claim 2, wherein the configuration file is an extensible markup language ("XML") file.

6. The system set forth in claim 1, wherein the c-frame comprises a header, a left side bar and a footer.

7. The system set forth in claim 6, wherein the header comprises a head.jsp object and a top.jsp object.

8. A method, comprising:

creating, with a processor-based device, a controller that adapted to receive a request for data from a user and respond to the request by sending information to the user in a predetermined format; and

providing a layout manager that formats a c-frame based on configuration information and renders the c-frame as part of the information sent to the user in response to the request, wherein the configuration information corresponds to a plurality of portals, and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals.

9. The method set forth in claim 8, comprising adapting the controller to read the configuration information from a configuration file.

10. The method set forth in claim 9, comprising defining the configuration file to be an extensible markup language ("XML") file.

13. The method set forth in claim 8, comprising defining the c-frame to comprise a header, a left side bar and a footer.

14. The method set forth in claim 13, comprising defining the header to comprise a head.jsp object and a top.jsp object.

15. A system, comprising:

means for creating a controller that receives a request for data from a user and responds to the request by sending information to the user in a predetermined format; and

means for creating a layout manager that formats a c-frame based on configuration information and renders the c-frame as part of the information sent to the user in response to the request, wherein the configuration information corresponds to a plurality of portals, and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals.

16. The system set forth in claim 15, wherein the controller is adapted to read the configuration information from a configuration file.

17. The system set forth in claim 16, wherein the configuration file is an extensible markup language ("XML") file.

20. The system set forth in claim 15, wherein the c-frame comprises a header, a left side bar and a footer.

21. The system set forth in claim 20, wherein the header comprises a head.jsp object and a top.jsp object.

22. A tangible machine readable medium, comprising:

code for creating a controller generator stored on the machine readable medium, the controller generator being adapted to provide an application with a controller that receives a request for data from a user and responds to the request by sending information to the user in a predetermined format; and

code for creating a layout manager generator stored on the machine readable medium, the layout manager generator being adapted to provide a layout manager that formats a c-frame based on configuration information and renders the c-frame as part of the information sent to the user in response to the request, wherein the configuration information corresponds to a plurality of portals, and wherein the layout manager is adapted to produce

a different c-frame in response to requests received via each of the plurality of portals.

23. The tangible machine readable medium set forth in claim 22, wherein the controller is adapted to read the configuration information from a configuration file.

24. The tangible machine readable medium set forth in claim 23, wherein the configuration file is an extensible markup language ("XML") file.

25-26. (Cancelled)

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None.